

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, January 16, 2015
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Chairman Robert E. Mansell
Vice Chair Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons
Commissioner John W. Harris

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Frank A. Esparza	2015-0002	Count B:	Take wildlife in a closed area
Zachary J. Meyer	2015-0003	Count B:	Take wildlife in a closed area (Rainbow Trout)
		Count C:	Possess/transport unlawfully taken wildlife (Rainbow Trout)
Jace A. Hall	2015-0004	Count B:	Take wildlife in a closed area (Rainbow Trout)
		Count C:	Possess/transport unlawfully taken wildlife (Rainbow Trout)
Ryan M. Parks	2015-0005	Count A:	Take wrong sex (Cow Elk w/bull permit)
Hai Cong Le	2015-0017	Count C:	Exceed bag limit (Catfish)
Travis P. Price	2015-0019	Count A:	Take wildlife by unlawful method (Antelope)
		Count B:	Take wildlife in wrong unit (Antelope)
		Count C:	Possess unlawfully taken wildlife (Antelope)
William T. Fansler	2015-0020	Count B:	Obtain 2013 deer tag while revoked

Roll call was taken and the following were present: Frank Esparza, Jace Hall, Hai Cong Le, Travis Price and William Fansler.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Hai Cong Le

Docket # 2015-0017

Hai Cong Le was found guilty by the Encanto Justice Court for Count B: Criminal Trespass; and Count C: Exceed bag limit; and sentenced: Fined \$150.00.

Hai Cong Le addressed the Commission with an interpreter named Annie via cell phone. Mr. Hai Cong Le stated that he did not take 10 fish and that he saw others fishing by the “no fishing” sign and so he fished too.

The Commission discussed with Mr. Hai Cong Le that the Officer watched him fish for an hour and a half and take 10 fish and that the issue today is that he took 3 catfish over the limit.

The Case Officer was present via video teleconference from Region I and briefed the Commission on the case. He stated that Mr. Hai Cong Le has been cited four times in the past, two for over the limit and two for multiple poles.

Motion: Harris moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HAI CONG LE TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT’S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST HAI CONG LE TO COLLECT THE AMOUNT OF \$150.00 FOR THE LOSS OF THREE (3) CATFISH; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The cases of Esparza, Meyer and Hall are related. Mr. Elms presented all three cases to the Commission at the same time.

Frank A. Esparza

Docket # 2015-0002

Esparza was found guilty by the Show Low Justice Court for Count A: Criminal trespass; and Count B: Take wildlife in a closed area; and sentenced: Combined fine of \$250.00.

Esparza was present and addressed the Commission apologizing for his actions. He learned a lot through this experience and takes responsibility for his actions. He requested to keep his hunting and trapping licenses since he is very involved with those types of activities.

Mr. Jace Hall addressed the Commission taking responsibility for his actions and asking for leniency.

Ms. Hall, mother of Jace Hall, addressed the Commission on behalf of her son and his friends involved in these actions.

Mr. Meyer was on the phone from Region I and addressed the Commission. He took full responsibility for getting his friends into this.

Motion: Ammons moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FRANK A. ESPARZA TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Davis, Madden, Ammons, Harris

Nay - Mansell

Passed 4 to 1

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Zachary J. Meyer

Docket # 2015-0003

Meyer was found guilty by the Show Low Justice Court for Count A: Criminal trespass; Count B: Take wildlife in a closed area (rainbow trout); and Count C: Possess/transport unlawfully taken wildlife; and sentenced: Combined Fine of \$500.00.

Motion: Harris moved and Ammons seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ZACHARY J. MEYER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ZACHARY J. MEYER TO COLLECT THE AMOUNT OF \$50.00 FOR THE LOSS OF ONE (1) RAINBOW TROUT; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Davis requested a friendly amendment to 2 years revocation because Mr. Meyer played a more serious role and accepted full responsibility for the situation.

Motion: Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ZACHARY J. MEYER TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TWO (2) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ZACHARY J. MEYER TO COLLECT THE AMOUNT OF \$50.00 FOR THE LOSS OF ONE (1) RAINBOW TROUT; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Jace A. Hall
Docket # 2015-0004

Hall was found guilty by the Show Low Justice Court for Count A: Criminal trespass; Count B: Take wildlife in a closed area (rainbow trout); and Count C: Possess/transport unlawfully taken wildlife; and sentenced: Combined Fine of \$520.00.

Motion: Madden moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JACE A. HALL TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF ONE (1) YEAR; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST JACE A. HALL TO COLLECT THE AMOUNT OF \$50.00 FOR THE LOSS OF ONE (1) RAINBOW TROUT; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Aye - Davis, Madden, Ammons, Harris
Nay - Mansell
Passed 4 to 1

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Travis P. Price
Docket # 2015-0019

Price was found guilty by the Round Valley Justice Court for Count A: Take wildlife with unlawful method; Count B: Take wildlife in wrong unit; and Count C: Possess unlawfully taken wildlife; and sentenced: Combined fine of \$2,699.30.

Price was present and addressed the Commission apologizing for his actions. He took full responsibility and explained how the situation came about. He stated that his gun was accidentally discharged and he took the animal rather than let it go to waste. He asked the Commission for leniency.

The Commission questioned Mr. Price's statement of accidental discharge and further commented on Mr. Price's 10-year old son being with him to witness the activities.

The Case Officer was present via video teleconference from Region I and answered questions for the Commission.

Motion: Madden moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF TRAVIS P. PRICE TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN

THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **TRAVIS P. PRICE** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) ANTELOPE**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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William T. Fansler
Docket # 2015-0020

Fansler was found guilty by the Globe Justice Court for Count B: Obtain 2013 deer tag while revoked; and sentenced: Fined of \$280.00.

The Commission questioned whether this could be a 10-year revocation based on previous offenses, but it did not qualify because this was not a take violation.

Fansler was present and addressed the Commission stating that he did not know he had to complete a Hunter Education from his previous violation. He also didn't know about the civil assessment, he just waited until his five year period was done.

Case Officer Wagner was present.

The Commission requested to put this hearing on hold while the Department researched its records for additional information on previous cases.

Motion: Harris moved and Madden seconded THAT THE COMMISSION VOTE TO PUT THIS HEARING ON HOLD UNTIL THE DEPARTMENT RESEARCHES ADDITIONAL INFORMATION.

Vote: Unanimous

The Commission re-opened this case after the Parks case.

Case Officer Wagner addressed the Commission regarding previous charges on Mr. Fansler, including that the previous charges were for take wildlife without a valid tag, white-tailed deer doe.

Motion: Harris moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **WILLIAM T. FANSLER** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FOUR (4) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF

THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Ryan M. Parks

Docket # 2015-0005

Parks was found guilty by the Flagstaff Justice Court for Count A: Take wrong sex; and sentenced: Fined \$446.00.

Parks was not present.

Case Officer Clay was present via video teleconference from Region I and answered questions for the Commission.

Motion: Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF RYAN M. PARKS TO HUNT, FISH AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST RYAN M. PARKS TO COLLECT THE AMOUNT OF \$2,500.00 FOR THE LOSS OF ONE (1) COW ELK; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 3:29 p.m.

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